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**VIA E-MAIL, FACSIMILE
AND FEDERAL EXPRESS**

Mr. Branden Blum
Senior Counselor
c/o Office of Assistant General Counsel for Ocean Services
National Oceanic and Atmospheric Administration
U. S. Department of Commerce
1305 East-West Highway
SSMC-4, Room 6111
Silver Spring, MD 20910

**RE: Scheduling in the Appeal of Islander East Pipeline Company, L.L.C., From
an Objection by the State of Connecticut, Department of Environmental
Protection to a Consistency Certification for the Islander East Pipeline
Project**

Dear Mr. Blum:

In accordance with our conference call last week, this letter is submitted in reply to the briefing schedule proposed in its letter dated October 20, 2003 by the State of Connecticut with respect to Islander East's appeal of Connecticut's Denial of a Consistency Determination for the Islander East Pipeline Project. We reiterate the briefing schedule we proposed in our October 10, 2003 letter:

- Islander East Reply Brief due November 10, 2003.
- State of Connecticut Reply Brief due December 10, 2003.

Islander East Sur-Reply Brief if necessary due
December 19, 2003.

Decision Record closed, December 20, 2003.

G242571.1

The reasons expressed by Connecticut for a lengthened reply briefing period are not supported by the facts. Moreover, Connecticut's statement that its proposed briefing schedule "does not prejudice Islander East's appeal with an undue delay" is somewhat presumptuous and inaccurate. Every day the Secretary's decision is extended, increases the risk of not meeting the immediate needs of the energy market in Long Island. Unwarranted delay in this briefing schedule is directly prejudicial to Islander East as well as the market it has been authorized to serve.

In the first place, Connecticut claims that it needs time to assess the submissions that will be made during the public hearing, and review the transcripts and the public comments filed in the record which closes on November 20, 2003. It should be noted that Connecticut filed its brief in opposition on October 6, 2003 and presumably reviewed the entire record up to that point. Consequently, any additional record review for the State's Reply Brief would only have to take into consideration comments which will have occurred since the beginning of October. Under Islander East's proposal, Connecticut will have twenty (20) days after the close of the public comment period to assess what has transpired since early October. This time is more than ample given the extensive proceedings to date. In fact, Islander East will make arrangements with the stenographer and pay for expedited production of the transcripts of the November 5th hearing and will provide Connecticut with a copy of the transcript as soon as it is produced.

There have been over sixty public hearings and proceedings since the Islander East Pipeline Project was initially proposed in 2001. The most recent public hearing was held by the Army Corps of Engineers on August 5, 2003 in Branford, Connecticut and Connecticut, including the State's Attorney General's Office, participated fully in that proceeding. Under Connecticut's proposal, it would have fully eight (8) weeks after the close of the public comment period to submit its Reply brief. At this stage of the proceedings, this is unnecessarily too long.

Connecticut's approach has been to extend and delay wherever possible. It should be noted that Connecticut has also appealed the determination by FERC authorizing the construction of the Islander East Pipeline Project to the D.C. Circuit Court of Appeals. Connecticut has consented to the D.C. Circuit Court's holding that appeal in abeyance in deference to the appeal by Islander East here before the Department of Commerce. Obviously, the Connecticut has every incentive to consider any delay as a good delay. Conversely, any delay is unfairly prejudicial to Islander East.

Brief mention need only be made of Connecticut's second consideration. The State of Connecticut is represented by the Attorney General's office and should not be subject to the personal schedule of the Assistant Attorney General, David Wrinn, who appears to have a trial scheduled on December 16, 2003. Under Islander East's proposed schedule, Connecticut's Reply brief would be completed approximately a week before Attorney Wrinn's trial. More to the point, however, to date, there have been several other attorneys in the Attorney General's office who have been extensively involved in the

proceedings involving the Islander East Pipeline Project. Accordingly, the possibility of a trial on December 16, 2003, for a single attorney in the State's Attorney General's office should not be given weight on the remaining briefing schedule for this entire matter.

We respectfully request the Secretary set the schedule in accordance with the proposal by Islander East.

Respectfully submitted,



Frank L. Amoroso

FLA:mm

cc: Connecticut Attorney General's office
Attn: David Wrinn, Esq.

Thomas L. Stanton, Jr., Esq.
Islander East Pipeline Company, LLC